



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 7

Stephen R. Whitt  
1215 Tottenham Court  
Reston VA 20194

**COPY MAILED**

**AUG 1 6 2002**

In re Application of  
Koslar, et al.  
Application No. 10/067,793  
Filed: February 8, 2002  
Attorney Docket No. ESP-02001

:  
:  
:  
:  
:  
:  
:

**OFFICE OF PETITIONS**

**DECISION GRANTING  
PETITION**

This is a decision on the petition under 37 CFR 1.53(e), filed May 3, 2002 requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice) insofar as it pertains to missing drawing figures.

The application was deposited on February 8, 2002. On March 6, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that drawing figures 4,5,6 & 8 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figures 4,5,6 & 8 be accorded a filing date of February 8, 2002 on the basis that 22 sheets of drawing figures, including the allegedly omitted drawing figures, were received in the Patent and Trademark Office (PTO) on February 8, 2002. In support, the petition is accompanied by a copy of applicants itemized postcard receipt showing an Office of Initial Patent Examination date stamp of February 8, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 22 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 22 sheets of drawing figures, including drawing figures 4,5,6 & 8, were filed on February 8, 2002. MPEP 503. Accordingly, the request is granted.

The \$130.00 petition fee will be refunded. A treasury check will be scheduled in due course.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of February 8, 2002, using the substitute sheets of drawings submitted with the instant petition. Office records will be corrected to show that 22 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy